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CENTRAL FAX CENTER****FEB 14 2011****Remarks/Arguments****I. Objections to the Drawings**

The Examiner has objected to the drawings on the grounds that the "work support members" are not labeled in the figures.

The Examiner is mistaken. The "work support members" are described as item 14 on page 8, line 1, of the PCT specification as published. Item 14 is shown and labeled in Figures 2a and 2b. Thus, the objection should be withdrawn.

**II. Amendments**

Independent claim 1 has been amended to require:

"the distal ends of the support means being in contact with a supporting surface at least during the gripping of the workpiece; and

movement means provided on the distal end or ends of at least one of the support means to allow movement of the same along a supporting surface;

characterised in that at least one plate is provided extending between adjacent support members onto which the user may step to cause the pivoting means to pivot and hence cause the distal end or ends supported by the movement means to move away from the other distal end or ends and increase the grip on the workpiece."

This amendment is supported by the PCT specification as published, at page 4, paragraphs 3-6; pg. 10, paragraph 4 – page 11, paragraph 1; original claims 7-10; and Figure 10. Thus, all of the other claims, which are dependent claims, also include these limitations. Dependent claims 8 and 11 have also been amended. Claims 7, 9, 10, and 16 have been cancelled.

**III. Rejections****A. Rejections Under 35 U.S.C. section 112, Second Paragraph**

The Examiner has rejected claims 3 and 16 under 35 U.S.C. section 112, second paragraph, as indefinite.

The rejection of claim 3 has been addressed by the amendment to claim 1, which added a limitation of "a supporting surface." Thus, claim 3 has antecedent basis.

The rejection of claim 16 has been addressed in that this claim has been cancelled.

**B. Rejections Under 35 U.S.C. section 102(b)**

The Examiner has rejected claims 1, 3, 9, 12-18, and 21 under section 102(b) based on Schaffel (U.S. 3,830,340).

Schaffel does not anticipate these claims as amended because Schaffel does not disclose all of the limitations of amended independent claim 1. Independent claim 1 has been amended as set forth above. The remaining claims (except for claims 9 and 16 that have been cancelled) are dependent claims, which therefore also require these limitations.

Schaffel does not disclose the limitations of the at least one plate onto which the user may step to increase their grip on the workpiece, and movement means on the distal end or ends of at least one of the support means to allow movement of the same along a supporting surface, such that when the user steps on the plate, the distal ends supported by the movement means pivot away from the other distal ends.

This is a distinguishing feature of Applicants' claims. It is advantageous in that the plate allows the user to apply further force to the workpiece by stepping on the plate such that the distal ends supported by the movement means pivot away from the other distal ends, increasing the grip on the workpiece.

Schaffel describes a clamping stand in which the distance between the clamping jaws is selectively adjustable according to where the rails (9, 11) extending between the arms (3) of the stand are locked in position (column 2, lines 42-51; column 3, lines 34-38). As such, there is no disclosure of a plate which allows the user to apply additional force to the workpiece to pivot the distal ends supported by the movement means away from the other distal ends.

Indeed, Schaffel teaches away from the invention as claimed in amended claim 1. Claim 1 requires that the grip on the workpiece can be increased by the pivotal movement of the support members, which are therefore not locked in position. Schaffel does not address the problem of how to increase the gripping force on the workpiece; Schaffel

teaches away from Applicants' claimed invention as Schaffel's clamping jaws are locked in a particular position to prevent movement. Thus, Schaffel cannot meet the limitations of claim 1.

Because Schaffel does not disclose all of the limitations of claim 1, it does not anticipate Applicants' claims.

**C. Rejections Under 35 U.S.C. section 103(a)**

As stated in MPEP section 2143.03: "[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." According to the Federal Circuit Court of Appeals, "[t]o reject claims in an application under section 103, an Examiner must show an un rebutted *prima facie* case of obviousness. [citation omitted.] In the absence of a *prima facie* case of obviousness, an applicant who complies with the other statutory requirements is entitled to a patent." *In re Rouffet*, 149 F.3d 1350,1355 (1998).

As set forth above, claim 1 has been amended to require:

"the distal ends of the support means being in contact with a supporting surface at least during the gripping of the workpiece; and movement means provided on the distal end or ends of at least one of the support means to allow movement of the same along a supporting surface;

characterised in that at least one plate is provided extending between adjacent support members onto which the user may step to cause the pivoting means to pivot and hence cause the distal end or ends supported by the movement means to move away from the other distal end or ends and increase the grip on the workpiece."

Therefore, all of the remaining claims, which are dependent claims, also require these limitations.

The Examiner has rejected various dependent claims as obvious based on Schaffel and one other reference. Because neither Schaffel nor any of the other cited references disclose the limitations of claim 1, however, they do not render the claims obvious. The rejections should be withdrawn.

### 1. Telban

The Examiner has rejected claims 2 and 4-6 under section 103(a) based on Schaffel further in view of Telban (U.S. 3,887,036).

Schaffel in combination with Telban do not render these claims, as amended, obvious. As set forth in section III, B above, Schaffel does not disclose all of the limitations of amended claim 1. In particular, Schaffel does not disclose the limitations of the at least one plate onto which the user may step to increase their grip on the workpiece, and movement means on the distal end or ends of at least one of the support means to allow movement of the same along a supporting surface, such that when the user steps on the plate, the distal ends supported by the movement means pivot away from the other distal ends. Nor does Telban disclose these limitations. Telban does not disclose a plate onto which a user can step to increase the grip on the workpiece. Thus, claim 1 is not obvious over Schaffel in view of Telban.

Moreover, although the Examiner indicates that Telban discloses that the gripping force is achieved by the self-weight of the device and any downwards pressure the user applies thereto or the workpiece held thereby, Telban does not state this. It should be noted that if the friction between the legs and the supporting surface is high, or the weight of the workpiece is low, the legs would not move apart as required by the claimed invention.

In addition, it should be appreciated that stepping onto a plate provides greater stability to the device due to the lower center of gravity, and is easier for the user to apply force in this way, rather than risking overbalancing if the user applies downwards force to the top of the device. It is also safer in the situation where a user applies downwards force to a workpiece or gripping member which gives way under such force.

Accordingly, because the claimed limitations are not disclosed by Schaffel or Telban, these references do not establish a *prima facie* case of obviousness.

## 2. *Wiehe, Jr.*

The Examiner has rejected claims 7 and 8 under section 103(a) based on Schaffel further in view of Wiehe, Jr. (U.S. 5,289,897).

Schaffel in combination with Wiehe, Jr. do not render these claims, as amended, obvious. As set forth in section III, B above, Schaffel does not disclose all of the limitations of amended claim 1. In particular, Schaffel does not disclose the limitations of the at least one plate onto which the user may step to increase their grip on the workpiece, and movement means on the distal end or ends of at least one of the support means to allow movement of the same along a supporting surface, such that when the user steps on the plate, the distal ends supported by the movement means pivot away from the other distal ends. Nor does Wiehe, Jr. disclose these limitations.

In fact, Wiehe, Jr. teaches away from Applicants' invention as claimed. Even if the rails (40a, 40b) of Wiehe, Jr. could be considered as plates, stepping on the same would result in the gripping members being forced apart, in the opposite direction to that required by claim 1.

Accordingly, because the claimed limitations are not disclosed by Schaffel or Wiehe, Jr., these references do not establish a *prima facie* case of obviousness.

## 3. *Steffe*

The Examiner has rejected claims 10 and 11 under section 103(a) based on Schaffel further in view of Steffe (U.S. 4,564,178).

As set forth above, Schaffel does not disclose the limitations of the at least one plate onto which the user may step to increase their grip on the workpiece, and movement means on the distal end or ends of at least one of the support means to allow movement of the same along a supporting surface, such that when the user steps on the plate, the distal ends supported by the movement means pivot away from the other distal ends. Steffe also does not disclose these limitations. Therefore, these claims are not obvious.

## 4. *Hill*

The Examiner has rejected claim 19 under section 103(a) based on Schaffel further in view of Hill (U.S. 5,628,382).

As set forth above, Schaffel does not disclose the limitations of the at least one plate onto which the user may step to increase their grip on the workpiece, and movement means on the distal end or ends of at least one of the support means to allow movement of the same along a supporting surface, such that when the user steps on the plate, the distal ends supported by the movement means pivot away from the other distal ends. Hill also does not disclose these limitations. Therefore, these claims are not obvious.

**5. Lange**

The Examiner has rejected claim 20 under section 103(a) based on Schaffel further in view of Lange (U.S. 2,812,219).

As set forth above, Schaffel does not disclose the limitations of the at least one plate onto which the user may step to increase their grip on the workpiece, and movement means on the distal end or ends of at least one of the support means to allow movement of the same along a supporting surface, such that when the user steps on the plate, the distal ends supported by the movement means pivot away from the other distal ends. Lange also does not disclose these limitations. Therefore, these claims are not obvious.

**6. Official Notice**

The Examiner has rejected claim 22 under section 103(a) based on Schaffel further in view of Official Notice.

As set forth above, Schaffel does not disclose the limitations of the at least one plate onto which the user may step to increase their grip on the workpiece, and movement means on the distal end or ends of at least one of the support means to allow movement of the same along a supporting surface, such that when the user steps on the plate, the distal ends supported by the movement means pivot away from the other distal ends. Official Notice also does not disclose these limitations. Therefore, these claims are not obvious.

**7. Rich**

The Examiner has rejected claims 23 and 24 under section 103(a) based on Schaffel further in view of Rich (U.S. 2,230,015).

As set forth above, Schaffel does not disclose the limitations of the at least one plate onto which the user may step to increase their grip on the workpiece, and movement means on the distal end or ends of at least one of the support means to allow movement of the same along a supporting surface, such that when the user steps on the plate, the distal ends supported by the movement means pivot away from the other distal ends. Rich also does not disclose these limitations. Therefore, these claims are not obvious.

**8. Alexander**

The Examiner has rejected claims 25-27 under section 103(a) based on Schaffel further in view of Alexander (U.S. 4,238,001).

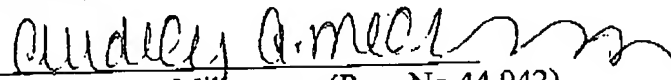
As set forth above, Schaffel does not disclose the limitations of the at least one plate onto which the user may step to increase their grip on the workpiece, and movement means on the distal end or ends of at least one of the support means to allow movement of the same along a supporting surface, such that when the user steps on the plate, the distal ends supported by the movement means pivot away from the other distal ends. Alexander also does not disclose these limitations. Therefore, these claims are not obvious.

**IV. Conclusion**

Applicants respectfully request that the Examiner pass this case to issue. If the Examiner believes further issues remain outstanding, Applicants request an interview with the Examiner, prior to the Examiner's preparation of the response to this Amendment, to address those issues.

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Respectfully submitted,

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